

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 2 and 27 having been canceled, Claims 1 and 3-26 are pending in this application. Claims 1, 3, 20, 21 and 26 are amended herein. No new matter has been introduced.

Claim 3 has been amended in a manner believed to overcome the objection thereto.

Claim 1 has been currently amended in a manner believed to overcome the rejection of Claims 6 and 7 under 35 U.S.C. § 112, second paragraph.

Claims 1, 3, 9-15, 17-19 and 21-26 have been rejected under 35 USC §102(b) as being anticipated by Matsuda et al. U.S. Patent Number 4,740,534 (hereinafter referred to as "Matsuda 534"). This rejection is respectfully traversed. Nowhere does Matsuda 534 teach or suggest aromatic diisocyanates substantially of all of which is in the para configuration and substituted with at least one electron withdrawing group. In fact, it is not alleged in the office action that Matsuda 534 contains any such teaching. Accordingly, withdrawal of the rejection of Claims 1, 3, 9-15, 17-19 and 21-26 under 35 USC §102(b) is respectfully requested.

Claims 2, 4-8, 16, 20 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuda 534 in view of Matsuda et al. U.S. Patent Number 4,994,542 (hereinafter referred to as "Matsuda 542") and Trischler U.S. Patent Number 3,463,762 (hereinafter referred to as "Trischler"). This rejection is respectfully traversed.

As noted above in connection with the previous rejection, nowhere does Matsuda 534 teach or suggest the use of an aromatic diisocyanate substantially of all of which is in the para configuration substituted with at least one electron withdrawing group and a polyol to form a surgical adhesive composition. Furthermore, although they are identified as “most preferred”, the para-diisocyanates do not appear to provide any particular technical benefit compared to other diisocyanates. Compare, for example, the data in Table 1 at columns 7-8. Examples 1-4 are PPDI-based adhesives and have cure times of 20-35 seconds with very good adhesivity. Examples 6-10 are not para-diisocyanates and exhibit **equally good** qualities (cure time = 10-42 seconds and very good adhesivity). In view of the data presented by Matsuda, there is no particular reason to choose the para diisocyanate over other configurations.

Matsuda 542 fails to cure the deficiencies of Matsuda 534. Nowhere does Matsuda 542 teach, suggest or motivate one skilled in the art to combine an aromatic diisocyanate substantially of all of which is in the para configuration substituted with at least one electron withdrawing group with a polyol to form a surgical adhesive composition. Rather, Matsuda 542 teaches an adhesive composition comprising of suitable fluorine containing polyisocyanates which include “F-containing **aliphatic** polyisocyanates, and F-containing **cycloaliphatic** polyisocyanates, and mixtures of two or more of them” (column 1, lines 63-68).

In fact, Matsuda 542 does not even mention aromatic diisocyanates substituted with at least one electron withdrawing group for use in preparing adhesives. Rather, Matsuda 542 only lists aromatic diisocyanates as examples of “other polyisocyanates” that may be used in combination with the suitable F-containing aliphatic or cycloaliphatic

polyisocyanates (see column, 2 lines 36-40). These “other polyisocyanates” do not contain at least one electron withdrawing group. Rather than teaching the use of aromatic diisocyanates of the type presently claimed, Matsuda 542 mentions toxicity problems associated with aromatic diisocyanates (which is why the use of aliphatic or cycloaliphatic polyisocyanates is disclosed), thereby actually teaching away from the presently recited tissue adhesive compositions.

Trischler fails to cure the deficiencies of Matsuda 534 and Matsuda 542. Nowhere does Trischler teach, suggest or motivate one skilled in the art to combine an aromatic diisocyanate substantially of all of which is in the para configuration substituted with at least one electron withdrawing group and a polyol to form a tissue adhesive composition. First, Trischler does not teach or suggest tissue adhesives. Accordingly, Trischler does not teach or suggest that his compositions be sterilized, since they are being used, e.g., in the rubber industry, not as tissue adhesives. Specifically, Trischler, forms an adhesive usable in the rubber industry or to bond surfaces between plastics, elastomers, fabrics, metals, wood, leather, ceramics and the like (see column 3, lines 28-50). Furthermore, Trischler does not teach, suggest or motivate one skilled in the art to select the use of substantially all para configured aromatic diisocyanates to form surgical adhesives. There is no basis for concluding from Trischler that para-diisocyanates are particularly well suited for tissue adhesives. In fact, the two Trischler examples use two different diisocyanates - - a para-diisocyanate (example 1) and a 2,4-diisocyanate (example 2) - - with no particular advantage identified in connection with the para-diisocyanate. There is absolutely no basis to suggest that Trischler would motivate one skilled in the art to select an aromatic diisocyanate substantially of all of

which is in the para configuration substituted with at least one electron withdrawing group for use in a sterile tissue adhesive.

Because Matsuda 534 does not, alone or in combination with Matsuda 542 and/or Trischler teach or suggest the use of aromatic diisocyanates substituted with at least one electron withdrawing group for use in preparing sterile tissue adhesives, withdrawal of the rejection of Claims 2, 4-8, 16, 20 and 27 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter DeLuca', with a stylized flourish extending to the right.

Peter DeLuca
Reg. No. 32,978
Attorney for Applicant

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526